IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

Crl.Rev.Pet.No. 510 of 1998(C)

CRA.279/1997 of IV ADDL.SESSIONS COURT, ERNAKULAM
CC.64/1992 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM

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REVN. PETITIONER:

PALLATH ABOOBECKER, S/O. PALLATH MOIDU,
PALLATH HOUSE, EDAKOZHIYOOR CHOWGHAT,
TRICHUR DISTRICT.

BY ADV. SRI.JOSHI N.THOMAS

RESPONDENTS:

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1. THE ASSISTANT COLLECTOR,
AIR CUSTOMS, AIRPORT,
THIRUVANANTHAPURAM.

2. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR
SRI. AJITH KRISHNAN, ADDL.CGSC
SRI.JOHN VARGHESE, ASSISTANT SG

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.P. NO. 2675/1998 IN CRL.R.P. NO. 510/1998

DISMISSED

25.05.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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CRL. R.P. NO. 510 OF 1998

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Dated this the 25th day of May 2007

O R D E R

The revision petitioner who is the 1st accused in C.C. No. 64/92 stands convicted for the offence under Sections 132 and 135(1)(1) of the Customs Act, 1962 and sentenced, as modified by the appellate court, to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for one month. It is submitted that he had undergone pre-trial detention as well as detention under COFEPOSA. As per the certificate produced he has undergone the detention under COFEPOSA from 16.11.1991 to 18.07.1992 apart from the pre-trial detention.

2. The prosecution case is that from the baggage of the revision petitioner, 14 gold ornaments were seized and the same are valued at Rs.7,31,250/-. The incident had taken place on 08.08.1990. It is submitted that the revision petitioner is laid up on account of a major heart attack.

3. The counsel for the revision petitioner has only pleaded for leniency. In the circumstances and in view of the fact that since 1990 the revision petitioner is facing the criminal proceedings and living

under the shadow of the incarceration, I find that the sentence is liable to be modified. In the circumstances and in view of the long delay, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.10,000/- and in default to undergo simple imprisonment for six months. The revision petitioner shall appear before Addl. Chief Judicial Magistrate (Economic Officences) Ernakulam on 26.06.2007 to receive sentence. infirm

The Crl.R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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